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## BEFORE THE ARIZONA CORPORATION COMMISSION RECEIVED

COMMISSIONERS

Arizona Corporation Commission

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DOCKETED

MARC SPITZER, Chairman

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AUG 06 2003

CORP COMMISSION  
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IN THE MATTER OF THE.

DOCKET NO. S-03489A-03-0000

KATHLEEN WHORLEY SOMMER

[CRD No. 27500361],

dba Sommer &amp; Associates

249 W. Waltann Lane

Phoenix, AZ 85023

and JOHN DOE, husband and wife,

Respondents.

**FIFTH**  
**PROCEDURAL ORDER****BY THE COMMISSION:**

On February 25, 2003, the Securities Division ("Division") of the Arizona Corporation Commission ("Commission") filed a Notice of Opportunity for Hearing ("Notice") against Kathleen Whorley Sommer and John Doe ("Respondents"), in which the Division alleged multiple violations of the Arizona Securities Act ("Act") in connection with the offer and sale of securities in the form of investment contracts.

The Respondents were duly served with a copy of the Notice.

On March 25, 2003, a request for hearing and Motion to Dismiss ("Motion") was filed for Respondents.

On March 26, 2003, the Division filed a response to Respondent's Motion and requested a pre-hearing be set.

On April 1, 2003, by Procedural Order, a pre-hearing conference was scheduled.

On April 10, 2003, the pre-hearing conference was held with the Division and Respondent represented by counsel. Discovery and scheduling of the proceeding were discussed. Counsel for the Division indicated a planned absence from April 11, 2003 until early July, 2003 that would require the matter be held in abeyance until that time. It was agreed that an additional pre-hearing

conference be scheduled in July, 2003.

On April 10, 2003, by Procedural Order, a further pre-hearing conference was scheduled for July 15, 2003.

On July 8, 2003, an attorney for the Division filed a notice of substitution of counsel and a Motion for a Continuance ("Motion"). Respondents did not oppose the Motion.

On July 14, 2003, by Procedural Order, the pre-hearing conference scheduled for July 15, 2003 was continued to July 30, 2003.

On July 17, 2003, Respondent's counsel requested a brief continuance due to scheduling conflict. The Division did not object to this request.

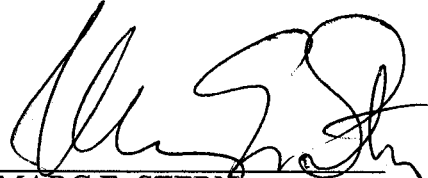
On July 21, 2003, by Procedural Order, the proceeding was continued to August 5, 2003.

On August 5, 2003, the Division and Respondent appeared through counsel who requested that a status conference be scheduled in approximately 60 days while they attempt to settle the issues raised in the Notice.

Accordingly, the request by counsel for the Respondent should be granted and a status conference should be scheduled.

IT IS THEREFORE ORDERED that a status conference shall be held on October 23, 2003, at 10:30 a.m., at the Commission's offices, 1200 West Washington Street, Phoenix, Arizona.

DATED this 6<sup>TH</sup> day of August, 2003.

  
MARC E. STERN  
ADMINISTRATIVE LAW JUDGE

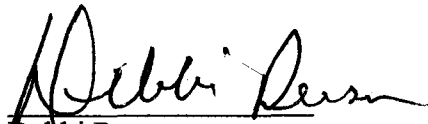
Copies of the foregoing mailed/delivered this 6<sup>TH</sup> day of August, 2003 to:

Harry N. Stone  
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Phoenix, AZ 85012  
Attorneys for Respondent

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4 1300 West Washington Street  
5 Phoenix, AZ 85007

6 ARIZONA REPORTING SERVICE, INC.  
7 2627 N. Third Street, Ste. Three  
8 Phoenix, AZ 85004

9 By:

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11 Debbi Person  
12 Secretary to Marc E. Stern  
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